

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jorgen BERNHARDT ET AL.

Serial No.: 10/512,737

Filed: October 27, 2004

For: TRANSPORT SYSTEM IN BIOLOGICAL SYSTEMS

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: A terminal disclaimer **should not** accompany a petition based on unintentional abandonment. Notice of July 9, 1985 (1056 O.G. 60-61).

NOTE: An application abandoned under 37 CFR 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may **not** be revived under the procedure of 37 CFR 1.137(b).

1. This application became abandoned on February 20, 2006.

NOTE: Extensions under 37 CFR 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of §1.136 can no longer be used then the application is abandoned with the unextended time for response expired. Therefore, no extension fees are due on a petition for revival.

2. This petition is filed:

☒ within one year of the date of abandonment.

NOTE: Under very limited conditions a petition to revive for unintentional abandonment may exceed the one year limit when abandonment is due to action or inaction by the applicant and the PTO performs a positive documented official act which could lead a reasonable individual to conclude that the action or inaction was appropriate. Notice of August 26, 1985 (O.G. 4).

☐ within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.

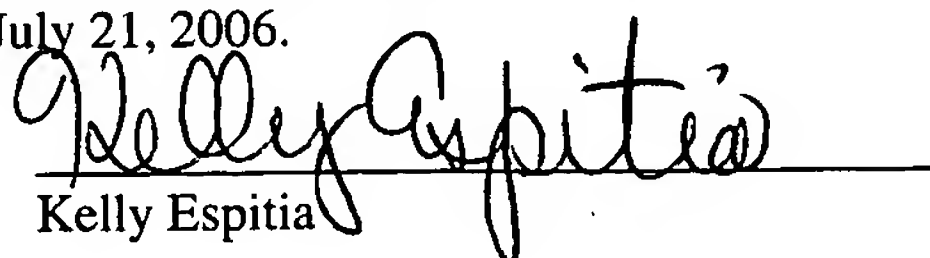
(check next box if applicable)

☐ the three month period has been extended up to _____.

NOTE: The non-statutory three month period may be extended up to four months if a petition for an extension of time and the fee set in 37 CFR 1.17(a) to (d) are filed with or prior to this petition.

Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 21, 2006.


Kelly Espitia

3. This application became abandoned unintentionally.

4. Proposed response

☐ has been filed.

X is attached.

(complete the following if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 CFR 1.137. To facilitate processing in such a case the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

☐ the response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application co-pending with this application.

5. Fee (37 CFR 1.17(m))

Application Status is:

☐ small business entity-fee

☐ verified statement attached

☐ verified statement filed

☐ other than small entity-fee \$ _____

6. Payment of fee:

☒ Enclosed please find check for \$ 1,500.00

☒ Charge Account 03-2468 for any additional fee required.

☐ Charge Account 03-2468 the sum of \$ _____. A duplicate of this petition is attached.

Date: July 21, 2006

Reg. No: 26,048

Tel. No.: (516) 365-9802


SIGNATURE OF ATTORNEY

Edward R. Freedman
type or print name of attorney

COLLARD & ROE, P.C.
1077 Northern Blvd.
P.O. Address

Roslyn, NY 11576

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Jorgen BERHNARDT ET AL-2 PCT

SERIAL NO.: 10/512,737

FILED: OCTOBER 27, 2004

PCT SERIAL NO.: PCT/EP03/03973

PCT FILING DATE: APRIL 16, 2003

TITLE: TRANSPORT SYSTEM IN BIOLOGICAL SYSTEMS

RECEIVED

31 JUL 2006

**Legal Staff
International Division**

RESPONSE TO NOTIFICATION OF ABANDONMENT

MAIL STOP PCT
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the enclosed copy of a "Notification of Abandonment" dated July 12, 2006, the Applicants are submitting herewith the following required documents:

1. Statement Under Rules 821(e), 821(f), 821(g), 825(b) & 825(d);
2. Paper Copy of Sequence Listing;
3. Sequence Listing in Computer Readable Form (Diskette);
4. Copy of Notification of Abandonment;
5. Petition, to Revive, plus check for \$1,500.00.

Now this application does contain a Statement that the content of the Sequence Listing information recorded in Computer Readable Form is identical to the written Paper Sequence Listing and includes no new matter, as required by CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).


Also enclosed is a copy of the "Sequence Listing" in Computer Readable Form which has now been submitted as required by 37 CFR 1.821(e).

For all these reasons, it is respectfully submitted that the present patent application is now in complete compliance with all the requirements for acceptance under 35 U.S.C. 371.

The enclosed Petition to Revive includes the Petition Fee of \$1,500.00. If any other fee is required, then the Commissioner of Patents and Trademarks is hereby authorized to charge any additional fee, or to credit any overpayment, to our Deposit Account No. 03-2468.

Respectfully submitted,

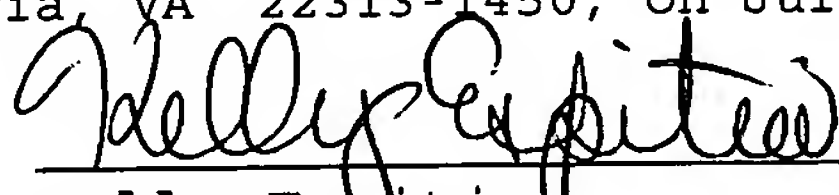
Jurgen BERNHARDT ET AL.


Allison C. Collard, Reg.No.22,532
Edward R. Freedman, Reg.No.26,048
Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ERF:lgh

Enclosures: 1. Statement Under Rules 821(e), 821(f), 821(g),
825(b) & 825(d);
2. Paper Copy of Sequence Listing;
3. Sequence Listing in Computer Readable Form
(Diskette);
4. Copy of Notification of Abandonment
5. Petition to Revive, plus fee check of \$1,500.00.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 21, 2006.


Kelly Espitia

07/28/2006 ATRAN1 00000125 10512737

01 FC:1453

1500.00 DP

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Jorgen BERNHARDT ET AL-2 PCT

SERIAL NO.: 10/512,737

FILED: OCTOBER 27, 2004

PCT SERIAL NO.: PCT/EP03/03973

PCT FILING DATE: APRIL 16, 2003

TITLE: TRANSPORT SYSTEM IN BIOLOGICAL SYSTEMS

STATEMENT UNDER RULES 821(e), 821(f), 821(g), 825(b) & 825(d)

MAIL STOP PCT
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is stated that the content of the enclosed paper Sequence Listing and computer readable form Sequence Listing are the same and contain no new matter as required by U.S.P.T.O. Rules 821(e), 821(f), 821(g), 825(b) & 825(d).


COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

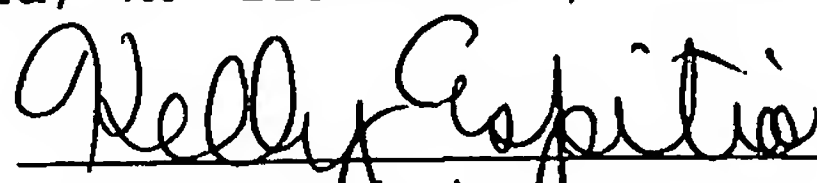
ERF:lgh

Enclosures: Sequence Listing and diskette

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 21, 2006.

Respectfully submitted,
Jorgen BERNHARDT ET AL


Allison C. Collard, Reg.No.22,532
Edward R. Freedman, Reg.No.26,048
Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicants


Kelly Espitia

Sequence listing

<110> BioTeSys GmbH

Schelztorstrasse 54-56

D 73728 Esslingen

GERMANY

<120> transport system in biological systems

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<151> 2002-04-29

<160> 15

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5

CP
7/18/06

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/512,737	Jurgen Bernhardt	BERNHARDT ET AL 2 PCT
INTERNATIONAL APPLICATION NO.		
PCT/EP03/03973		
I.A. FILING DATE	PRIORITY DATE	
04/16/2003	04/29/2002	

25889
WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

CONFIRMATION NO. 1552

371
ABANDONMENT/TERMINATION
LETTER



OC000000019573413

Date Mailed: 07/12/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to properly respond to Notification of Missing Requirements dated 05/02/05. See attached Raw Sequence Listing Error Report dated 03/22/06.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING

ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

10/812,757

Source:

PCT

Date Processed by STIC:

3-22-06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING

ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

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10/512,757

Source:

PCT

Date Processed by STIC:

3-22-06

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<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

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1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

IAP7 Rec'd PGT/PTO 31 MAR 2006



PCT

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/512,737

DATE: 03/22/2006

TIME: 15:36:45

Input Set : A:\PTO.SS.txt

Output Set: N:\CRF4\03222006\J512737.raw

4 <110> APPLICANT: BioTeSys GmbH
 6 Schelztorstrasse 54-56
 8 D 73728 Esslingen
 10 GERMANY
 13 <120> TITLE OF INVENTION: transport system in biological systems
 --> 16 <140> CURRENT APPLICATION NUMBER: US/10/512,737
 --> 16 <141> CURRENT FILING DATE: 2004-10-27
 --> 0 <130> FILE REFERENCE: OK
 16 <150> PRIOR APPLICATION NUMBER: A 656/2002
 18 <151> PRIOR FILING DATE: 2002-04-29
 21 <160> NUMBER OF SEQ ID NOS: 15

RRORED SEQUENCES

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 70 Ala Asp Gly Glu Ala
 --> 71 1
 74 <210> SEQ ID NO: 4

pls explain of
 source of
 genetic
 material

Do not copy
 Corrected ESI/ette Needed
 (P 9.1-4)

IF Patent-IN
 Software WAS

Used, Please
 contact mark
 Spencer at,
 571-272-2510.

pls explain
 source of
 genetic
 material

Invalid
 Amino
 Acid

same
 error

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/512,737

DATE: 03/22/2006
TIME: 15:36:45

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Output Set: N:\CRF4\03222006\J512737.raw

some errors

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RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/512,737

DATE: 03/22/2006
TIME: 15:36:45

Input Set : A:\PTO.SS.txt
Output Set: N:\CRF4\03222006\J512737.raw

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264 <223> OTHER INFORMATION: Oligopeptide

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Invalid amino acids.

What is this?

Same errors

Oligopeptide
Invalid amino acids

Invalid amino acids

Same errors

Same errors

-IF
Patent-IN
SOFTWARE
WAS USED,
PLS CONTACT
MARK
SPENCER
AT 571-
272-
2510.

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/512,737

DATE: 03/22/2006
TIME: 15:36:45

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Output Set: N:\CRF4\03222006\J512737.raw

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What is this?

RAW SEQUENCE LISTING ERROR SUMMARY
PATENT APPLICATION: US/10/512,737

DATE: 03/22/2006
TIME: 15:36:46

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Output Set: N:\CRF4\03222006\J512737.raw

Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

eq#:9; Line(s) 189

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/512,737

DATE: 03/22/2006

TIME: 15:36:46

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Output Set: N:\CRF4\03222006\J512737.raw

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:16 M:271 C: Current Filing Date differs, Replaced Current Filing Date
:0 M:201 W: Mandatory field data missing, <130> FILE REFERENCE
:24 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQ ID NO: 1 <211>6 <212> PRT
213> Artificial sequence
:32 M:282 E: Numeric Field Identifier Missing, <211> is required.
:32 M:282 E: Numeric Field Identifier Missing, <212> is required.
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:71 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:3
:91 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:4
:111 M:330 E: (2) Invalid Amino Acid Designator, NUMBER OF INVALID KEYS:1
:112 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:5
:131 M:333 E: Wrong sequence grouping, Amino acids not in groups!
:131 M:330 E: (2) Invalid Amino Acid Designator, NUMBER OF INVALID KEYS:1
:132 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:6
:153 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:7
:174 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:8
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:185 M:282 E: Numeric Field Identifier Missing, <212> is required.
:185 M:282 E: Numeric Field Identifier Missing, <213> is required.
:193 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQ ID NO: 10 <211>12 <212> PRT
213> Artificial sequence
:201 M:282 E: Numeric Field Identifier Missing, <211> is required.
:201 M:282 E: Numeric Field Identifier Missing, <212> is required.
:201 M:282 E: Numeric Field Identifier Missing, <213> is required.
:209 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQ ID NO: 11 <211>18 <212> PRT
213> Artificial sequence
:217 M:282 E: Numeric Field Identifier Missing, <211> is required.
:217 M:282 E: Numeric Field Identifier Missing, <212> is required.
:217 M:282 E: Numeric Field Identifier Missing, <213> is required.
:223 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQ ID NO: 12 <211>6 <212> PRT
213> Artificial sequence
:231 M:282 E: Numeric Field Identifier Missing, <211> is required.
:231 M:282 E: Numeric Field Identifier Missing, <212> is required.
:231 M:282 E: Numeric Field Identifier Missing, <213> is required.
:239 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQ ID NO: 13 <211>6 <212> PRT
213> Artificial sequence
:247 M:282 E: Numeric Field Identifier Missing, <211> is required.
:247 M:282 E: Numeric Field Identifier Missing, <212> is required.
:247 M:282 E: Numeric Field Identifier Missing, <213> is required.
:270 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:14
:290 M:333 E: Wrong sequence grouping, Amino acids not in groups!
:290 M:330 E: (2) Invalid Amino Acid Designator, NUMBER OF INVALID KEYS:1
:291 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:15

```